

# C. INFORMATION SHEET: DISCLOSURE / INFORMATION EXCHANGE



The *Rules of Procedure* set out important requirements related to disclosing documents and things and exchanging information with other parties before a hearing.

## *What is disclosure?*

Disclosure is the exchange of documents or things between parties before and during a hearing.

Documents or things required to be exchanged can include videos, invoices, field notes, medication records, wagering reports, expert reports, and other things that will be relied on in a hearing.

## *Why do parties have to make disclosure?*

Disclosure helps to ensure that parties have relevant information before hearings. By sharing documents between parties in advance, hearings can run more smoothly because parties have the chance to review relevant documents before the hearing and prepare a response. In addition, disclosure avoids the element of surprise.

## *What information must be disclosed?*

At least **30 days** before your hearing (or as otherwise ordered by the HRAP), you have to provide to the other parties **a list of the documents** or things that you intend to rely on or present as evidence at the hearing, along with **a list of witnesses** that you intend to call and a brief description of each witness' anticipated evidence.

Subsequently, at least **15 days** before the hearing (or as otherwise ordered by the HRAP), you must then make available to the other parties any documents or other things you intend to rely on or present as evidence. This can be done either by **servicing a copy on those parties** or making the documents **available for inspection**.

It is important to keep in mind that disclosure is between the parties and you are not required to file this documentation with the HRAP in advance. The Panel will not have access

to evidence before the hearing. In order to have your evidence considered by the Panel, it has to be presented and filed as an official exhibit at the hearing.

Please see the timeline on **page 3 for a summary of the disclosure + filing requirements** in advance of your hearing.

## *Do I still have to bring copies of my evidence to the hearing?*

Yes. Although you will have circulated documents before the hearing to all parties, you still need to bring copies to the hearing, if you intend to use them as evidence.

At the hearing, you must provide a copy for:

- each Panel member at the hearing;
- the court reporter;
- the witness box; and
- each party (if you did not already serve them with these documents).

## *What is a hearing brief?*

A hearing brief is statement of your case that sets out the facts and your legal arguments. You have to serve on all parties and file with the HRAP a copy of your hearing brief at least 5 days before the hearing. In the case of "B" level appeals a Hearing Brief is advisable, but it is not necessary if you so determine. A hearing brief should include:

- a brief summary of the relevant facts and basis for the appeal, or response to the appeal as appropriate;
- a list of all witnesses; and
- any authorities, cases and HRAP Rules and Rules of Racing that you will be relying on.

## *What happens if I don't disclose?*

If you do not disclose information required to be disclosed, you may not be allowed to refer to it, or enter it into evidence at the hearing, unless you are granted permission by the Panel.

*What if the other party is not disclosing their documents to me?*

If you think that the other party is not disclosing the required information, you can file a Motion with the HRAP requesting that the Panel order the party to share the documents and/or make them available for review.

For information on these requirements, please see Rule 7, Disclosure, Rule 11, Hearings and Rule 3, Motions of the [Rules of Procedure](#), and [Information Sheet: Witnesses, Summons and Evidence](#).

**Last updated: March 2020**

*This information sheet is intended to provide general information to appellants and other related parties regarding the appeal process of the Horse Racing Appeal Panel. It does not constitute legal advice. If any information in this information sheet is not consistent with the Rules of Procedure, the Rules of Procedure will prevail.*

Step 1	Step 2	Step 3	Step 4
<p><b>Notify</b> other parties of documents or things you will refer to, rely on, or present as evidence at the hearing.</p> <p>Provide a <b>list</b> of witnesses you might call + describe the evidence they may discuss at the hearing.</p> <p><i>Rule 7.2</i></p>	<p><b>Serve</b> all parties copies of documents you will refer to, rely on, or present as evidence at the hearing.</p> <p>Allow parties to <b>inspect or copy</b> any documents or things you will enter as evidence at the hearing.</p> <p><i>Rule 7.3</i></p>	<p><b>File</b> with the HRAP and <b>serve</b> on the other parties a <b>HEARING BRIEF</b> that sets out your legal case and authorities.</p> <p><i>Rule 10.2</i></p>	<p><b>Bring</b> to the hearing any documents or things (original or a copy) you intend to file with the HRAP as an official exhibit.</p> <p>Also <b>bring</b> one copy for:</p> <ul style="list-style-type: none"> <li><b>a.</b> each panel member at the hearing (As-3 members; Bs-1 member);</li> <li><b>b.</b> the court reporter;</li> <li><b>c.</b> the witness stand; and</li> <li><b>d.</b> each party (if not already served in advance).</li> </ul> <p><i>Rule 5.10 and Rule 2.9</i></p>



**30 DAYS**  
in advance of hearing



**15 DAYS**  
in advance of hearing



**5 DAYS**  
in advance of hearing



**HEARING DAY**

<p><b>Expert Witnesses</b></p> <p>If you want to rely on or refer to the evidence of an expert witness, advance notification requirements apply. See Rule 7 and Information Sheet: Witnesses, Summons and Evidence for more information.</p>	<p><b>Appeal Book</b></p> <p>The HRAP will provide an Appeal Book to all parties in advance of the hearing. The Appeal Book will contain the Notice of Appeal, the decision(s) being appealed, the Notice of Hearing and any other orders that the HRAP may have issued.</p> <p><i>Rule 11.4</i></p>
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